

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: UTILITIES BOARD ORGANIZATION AND OPERATION	DOCKET NO. RMU-99-5
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**ORDER ADOPTING AND FILING RULES
ON AN EMERGENCY BASIS**

(Issued April 30, 1999)

Pursuant to the authority of IOWA CODE §§ 17A.4 and 476.1 (1999), the Utilities Board will adopt, without notice, the amendments attached hereto and incorporated by reference. These rules amend IOWA ADMIN. CODE 199-1.4, 1.5, and 1.8. Attached is a notice of the rule making which is incorporated by this reference.

The Board's current rules do not accurately reflect the organization and operation of the Utilities Division. The amendments set forth the present structure, duties, and internal procedures of the utilities division. In addition, the amendments set forth the actual number of copies required for filings made with the Board.

The Board makes a finding under IOWA CODE § 17A.4(2) (1999) that notice and public participation are unnecessary because the amendments simply reflect the Board's current organization and operation. The Board also finds, pursuant to IOWA CODE § 17A.4(2)"b"(2) (1999), that the normal effective date of the amendment should be waived and this amendment should be made effective upon filing, as it

confers a benefit to the public by providing information on the working procedures of the Board.

IT IS THEREFORE ORDERED:

1. Pursuant to IOWA CODE § 17A.5(2) (1999), the amendments to IOWA ADMIN. CODE 199-1.4, 1.5, and 1.8 (1999), included in the attached notice are adopted on an emergency basis.

2. Pursuant to IOWA CODE § 17A.5(2) (1999), the effective date of the rules shall be on April 30, 1999, the date of filing with the administrative rules coordinator.

3. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin a notice in the form attached to and incorporated by reference in this order.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Paula S. Dierenfeld

ATTEST:

/s/ Raymond K. Vawter, Jr.
Executive Secretary

Dated at Des Moines, Iowa, this 30th day of April, 1999.

UTILITIES DIVISION [199]

ADOPTED AND FILED EMERGENCY

Pursuant to Iowa Code sections 17A.3 and 474.5, the Utilities Board (Board) gives notice that on April 30, 1999, the Board issued an order in Docket No. RMU-99-5, In re: Utilities Board Organization and Operation, “Order Adopting and Filing Rules on an Emergency Basis,” to consider the adoption of amendments to 199 IAC 199-1.4, 1.5, and 1.8 (1999).

The Board’s current rules do not accurately reflect the organization and operation of the Utilities Division. The amendments set forth the present structure, duties, and internal procedures of the Utilities Division. In addition, the amendments set forth the actual number of copies required for filings made with the Board.

The Board makes a finding under Iowa Code § 17A.4(2) (1999) that notice and public participation are unnecessary because the amendments simply reflect the Utilities Division’s current organization and operation. The Board also finds, pursuant to Iowa Code § 17A.4(2)”b”(2) (1999), that the normal effective date of the amendment should be waived and this amendment should be made effective upon filing, as it confers a benefit to the public by providing information on the working procedures of the Utilities Division.

Pursuant to Iowa Code § 17A.5(2)”b”(2), the amendments will become effective immediately upon filing with the Administrative Rules Coordinator on April 30, 1999.

These amendments are intended to implement Iowa Code sections 474.1 and 474.10 (1999).

The following amendments are adopted:

Item 1. Amend rule 1.4 as follows:

199—1.4(17A, 474) Duties of the board. The utilities board regulates electric, gas, telephone, telegraph, and water utilities; and pipelines and underground gas storage. The board regulates the rates and services of public utilities pursuant to Iowa Code chapter 476; certification of electric power generators pursuant to chapter 476A; construction and safety of electric transmission lines pursuant to chapter 478; and ~~pipeline safety~~ the construction and operation of pipelines and underground gas or hazardous liquid storage pursuant to chapters 479, and 479A and 479B. Item 2.

Rescind rule 1.5 and adopt the following new rule in lieu thereof:

199—1.5(17A, 474) Organization. The utilities division consists of the three-member board, the office of the executive secretary, which heads the technical and administrative staff, and the office of general counsel. Sections include: 1. The board

2. The office of general counsel
3. The office of the executive secretary
 - A. deputy executive secretary
 1. Records center
 2. Technical library
 3. Receptionist
 - B. Customer service section
 - C. Energy section
 - D. Information technology section

E. Policy development section

F. Safety and engineering section

G. Telecommunications section

1.5(1) *The board.* The three-member board is the policy-making body for the utilities division. The chairperson serves as the administrator of the utilities division. As administrator, the chairperson is responsible for all administrative functions and decisions.

1.5(2) *General counsel.* The duties of the general counsel are prescribed by Iowa Code section 474.10. The general counsel acts as attorney for and legal advisor of the board and its staff and represents the board in all actions instituted in a state or federal court challenging the validity of any rule, regulation or order of the board.

1.5(3) *The office of the executive secretary.* The executive secretary is appointed by the board and is its chief operating officer and responsible for all technical staff. The executive secretary is also the custodian of the board seal and all board records. The executive secretary, deputy executive secretary, or secretary's designee is responsible for attesting to the signatures of the board members and placing the seal on original board orders. The executive secretary, deputy executive secretary, or the secretary's designee is responsible for certifying official copies of board documents. The executive secretary shall also be responsible for establishing procedures for the examination of board records by the general public pursuant to the provisions of Iowa Code section 22.11 and for providing for the enforcement of those procedures.

a. The deputy executive secretary assists the executive secretary in carrying out responsibilities is responsible for preparing the agency budget, and managing the Records Center, Technical Library, and Receptionist area.

b. The customer service section serves as the agency's information contact and provides customer assistance and education for both the staff and the public. The section assists customers and competitors in resolving disputes with service providers. The section monitors customer service policies and practices, provides information to the public, and advises the board on customer service quality and issues of public concern.

c. The energy section is responsible for providing the board with recommendations for appropriate actions on energy matters. The section monitors activities of gas, electric, and water service providers. It also provides analysis and recommendations on tariff filings, rate proceedings, annual fuel purchase reviews, service territory disputes, and restructuring issues. The section advises the board on issues before the Federal Energy Regulatory Commission (FERC) and U.S. Department of Energy (DOE).

d. The information technology section is responsible for the development of electronic support and technology training for the division. This includes the development of a management information system and other data base applications for the division. It also maintains the board's local area network system and provides all computer and technical support services and systems for the processing of information and records, including website development and maintenance, and monitoring incoming electronic messages and requests for information.

e. The policy development section provides professional and technical support to the industry sections and the board in the areas of policy development and research. In cases before the board, the section is responsible for the review and analysis of cost of capital, cost of service, and rate design. The section is responsible for performing analysis of competitive and restructuring issues, utility management performance, least cost alternatives, energy efficiency activities, and other public policy matters.

f. The safety and engineering section is responsible for the regulation of gas and electric providers and pipeline and electric transmission and distribution companies as it relates to safety, construction, and operation and maintenance of facilities. The section reviews and processes all petitions for electric transmission line franchises under Iowa Code chapter 478 and for pipeline permits under Iowa Code chapters 479 and 479B. It also acts as an agent for the Federal Department of Transportation in pipeline safety matters.

g. The telecommunications section is responsible for providing the board with recommendations for appropriate actions on telecommunication matters. The section monitors activities of telecommunications service providers. It also provides analysis and recommendations of telecommunication providers' filings, rate proceedings, and advises the board on ratemaking and restructuring issues. The section advises the board on issues before the Federal Communications Commission (FCC).

Item 3. Amend subrule 1.8(1) as follows:

1.8(1) *Communications.* All communications to the board shall be addressed to the Executive Secretary, Iowa Utilities Board, 350 Maple Street, Des Moines, Iowa

50319-0069, unless otherwise specifically directed. Pleadings and other papers required to be filed with the board shall be filed in the office of the executive secretary of the board within the time limit, if any, for such filing. Unless otherwise specifically provided, all communications and documents are officially filed upon receipt at the office of the board.

Item 4. Amend paragraph “c” of subrule 1.8(4) as follows:

c. Parties entitled to service. All parties in any proceeding, including the general counsel and the consumer advocate, shall be served with all notices, motions, or pleadings filed or issued in the proceeding. Consumer Advocate shall be served three copies, either by separate mailing addressed to the Office of Consumer Advocate, 310 Maple Street, Des Moines, Iowa 50319-0069, or by separate envelope delivered to their office.

d. Number of copies. An original and ten copies are required for most filings made with the board. There are some exceptions, which are listed below. The board may request additional copies.

A = Annual Report (rate regulated 2 copies, nonrate regulated 1 copy)

C = Complaints (original)

CCF= Customer Contribution Fund (original + 1 copy)

E = Electric Franchise or Certificate (original + 3 copies)

EAC = Energy Adjustment Clause (original + 3 copies)

GCU = Generating Certificate Utility (original + 20 copies)

H = Accident (original + 1 copy)

P = Pipeline Permit (original + 2 copies)

PGA = Purchased Gas Adjustment (original + 3 copies)

R = Reports-Outages (original + 1 copy)

RFU = Refund Filing Utility (original + 3 copies)

RN = Rate Notification (original + 2 copies)

TF = Tariff Filing (original = 3 copies)

e d. *Upon attorneys.* When a party has appeared by attorney, service upon the attorney shall be deemed proper service upon the party.

April 30, 1999

/s/ Allan T. Thoms

Allan T. Thoms
Chairperson